



Bulgaria No. 1 (2015)

Agreement

on amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria concerning the Protection of Classified Information

Sofia, 29 October 2014

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 2015*



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**AGREEMENT ON AMENDING THE AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC
OF BULGARIA CONCERNING THE PROTECTION OF CLASSIFIED
INFORMATION**

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as “the UK”) and the Government of the Republic of Bulgaria (hereinafter referred to as “the Parties”),

DESIRING to amend the “Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria concerning the protection of classified information”, signed on 11 September 2012¹,

Have agreed as follows:

ARTICLE 1

1. Paragraph 2 of Article 4 (Security Classification Levels) shall be amended and shall read as follows:

“2. The Parties agree that the Security Classification Levels shall correspond to one another as follows and be considered as equivalent:

For the United Kingdom of Great Britain and Northern Ireland	For the Republic of Bulgaria
UK TOP SECRET	СТРОГО СЕКРЕТНО
UK SECRET	СЕКРЕТНО
No equivalent	ПОВЕРИТЕЛНО
UK OFFICIAL - SENSITIVE	ЗА СЛУЖЕБНО ПОЛЗВАНЕ

”

2. A new Paragraph 3 in Article 4 (Security Classification Levels) shall be added and shall read as follows:

“3. The UK will afford ПОВЕРИТЕЛНО Classified Information an equivalent level of protection as it would for UK SECRET.”

3. Paragraph 3 of Article 4 (Security Classification Levels) shall become Paragraph 4 of the same article.

¹ Treaty Series No. 21 (2013) Cm 8649

ARTICLE 2

1. Paragraph 3 (a) of Article 5 (Protection of Classified Information) shall be amended and shall read as follows:

“a) provide the Classified Information with an equivalent (or higher) level of security and legal protection as the Recipient would afford to its own information at the equivalent Security Classification Level. This level of protection shall be no less stringent than that required for NATO Classified Information;”

ARTICLE 3

1. Paragraph 6 of Article 6 (Access to Classified Information) shall be amended and shall read as follows:

“6. Access to Classified Information at the UK SECRET/СЕКРЕТНО and UK SECRET/ПОВЕРЛИВО levels by an individual holding the sole or dual nationality of a country of a Party may be granted without the prior written authorisation of the Originator.”

2. Paragraph 7 of Article 6 (Access to Classified Information) shall be amended and shall read as follows:

“7. Access to Classified Information at the UK SECRET/СЕКРЕТНО and UK SECRET/ПОВЕРЛИВО levels by an individual not holding the nationality of the country of either Party shall require the prior authorisation of the Originator.”

3. Paragraph 8 of Article 6 (Access to Classified Information) shall be amended and shall read as follows:

“8. A PSC is not required for access to Classified Information at the UK OFFICIAL – SENSITIVE/ЗА СЛУЖЕБНО ПОЛЗВАНЕ levels. Such access shall be limited to individuals who have a ‘Need to Know’.”

ARTICLE 4

1. Paragraph 2 of Article 7 (Transmission of Classified Information) shall be amended and shall read as follows:

“2. Classified Information at the UK SECRET/СЕКРЕТНО and UK SECRET/ПОВЕРЛИВО levels and above shall normally be transmitted between the Parties by diplomatic Government-to-Government channels.

Other channels of transmission may be agreed, in accordance with national laws and regulations, by the relevant NSAs or CSAs.”

2. Paragraph 3 of Article 7 (Transmission of Classified Information) shall be amended and shall read as follows:

“3. The Recipient shall confirm in writing the receipt of Classified Information at the levels of UK TOP SECRET/СТРОГО СЕКРЕТНО, UK SECRET/СЕКРЕТНО and UK SECRET/ПОВЕРИТЕЛНО. To facilitate this, the Originator shall include with the Classified Information a receipt to be signed by the Recipient and returned to the Originator.”

3. Paragraph 5 of Article 7 (Transmission of Classified Information) shall be amended and shall read as follows:

“5. Classified Information at the UK OFFICIAL – SENSITIVE/ЗА СЛУЖЕБНО ПОЛЗВАНЕ level shall be transmitted physically in accordance with the national laws and regulations of the Originator, which may include the use of approved national postal services and commercial courier companies.”

4. Paragraph 6 of Article 7 (Transmission of Classified Information) shall be amended and shall read as follows:

“6. Classified Information at the levels of UK TOP SECRET/СТРОГО СЕКРЕТНО, UK SECRET/СЕКРЕТНО and UK SECRET/ПОВЕРИТЕЛНО shall only be transmitted electronically using cryptographic systems approved by both the NSAs or CSAs concerned.”

5. Paragraph 7 of Article 7 (Transmission of Classified Information) shall be amended and shall read as follows:

“7. Classified Information at the UK OFFICIAL – SENSITIVE/ЗА СЛУЖЕБНО ПОЛЗВАНЕ level shall only be transmitted or accessed electronically via a public network, if it is protected by appropriate cryptographic means mutually accepted by the both NSAs or CSAs.”

ARTICLE 5

1. Paragraph 1 of Article 10 (Classified Contracts) shall be amended and shall read as follows:

“1. If a NSA or CSA of one Party proposes to place (or authorise a Contractor under its jurisdiction to place) a Classified Contract involving information at the levels of UK TOP SECRET/СТРОГО СЕКРЕТНО, UK SECRET/СЕКРЕТНО and UK SECRET/ПОВЕРИТЕЛНО with a Contractor under the jurisdiction of the other Party, it shall obtain written confirmation from the other NSA or CSA, in accordance with Article 11 of this Agreement, that a Facility Security Clearance (FSC)/PSC appropriate to the Security Classification Level concerned has been granted to the Contractor.”

2. Paragraph 7 of Article 10 (Classified Contracts) shall be amended and shall read as follows:

“7. Classified Contracts involving Classified Information at the UK OFFICIAL – SENSITIVE/ЗА СЛУЖЕБНО ПОЛЗВАНЕ level will contain an appropriate clause identifying the minimum measures to be applied for the protection of such Classified Information.”

3. Paragraph 8 of Article 10 (Classified Contracts) shall be amended and shall read as follows:

“8. A FSC is not required for Classified Contracts that are limited to Classified Information at the UK OFFICIAL – SENSITIVE/ЗА СЛУЖЕБНО ПОЛЗВАНЕ level.”

ARTICLE 6

1. Paragraph 1 of Article 12 (Visits) shall be amended and shall read as follows:

“1. Visits requiring access to Classified Information at the level of UK TOP SECRET/СТРОГО СЕКРЕТНО, UK SECRET/ СЕКРЕТНО and UK SECRET/ПОВЕРИТЕЛНО require prior written authorisation from the NSA or CSA of the host facility receiving the visitors. Requests for such visits from the sending facility shall be submitted through the respective NSA or CSA of the host facility.”

2. Paragraph 9 of Article 12 (Visits) shall be amended and shall read as follows:

“9. Visits relating to Classified Information at the UK OFFICIAL – SENSITIVE/ЗА СЛУЖЕБНО ПОЛЗВАНЕ levels shall be arranged directly

between the facility in the country of the Party requesting the visit and the host facility to be visited.”

ARTICLE 7

1. Each Party shall notify the other once the national measures necessary for entry into force of the Agreement have been completed.
2. This Agreement shall enter into force on the first day of the second month following the receipt of the later written notification.
3. Classified Information, provided in accordance with the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria concerning the protection of classified information but before entry into force of this Agreement, shall be protected by the Parties in accordance with the provisions of this Agreement.
4. After the entry into force of this Agreement, the Party in whose territory this Agreement is concluded shall take immediate measures so as to have the Agreement registered by the Secretariat of the United Nations in accordance with Article 102 of the UN Charter. The other Party shall be notified of the registration and of the registration number in the UN Treaty Series as soon as the UN Secretariat has issued it.

In witness whereof the duly authorised representatives of the Parties have signed this Agreement,

In Sofia on the twenty ninth day of October, 2014 in two original copies, in the English and Bulgarian languages, each text being equally authentic.

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland:**

**For the Government of the
Republic of Bulgaria:**

JONATHAN ALLEN

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